

### **REMARKS**

Applicants thank the Examiner for total consideration given the present application. Claims 1, 4-10, 13-41, 44-58, 60, 61, 63-73, 75-77, 79-86 are pending of which claims 1, 10, 27, 33, 43, 50, 55, 70, 73, 75, 77, 83, and 85 are independent. Applicants appreciate that the previous arguments filed on November 7, 2007 were found persuasive. However, the pending claims now stand rejected under a new ground(s) of rejection. Applicants respectfully request reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seek timely allowance of all pending claims.

#### **Rejection Under § 112, First Paragraph**

Claims 1, 10, 27, 33, 43, 50, 55, 70, 73, 75, 77, 83, and 85 stand rejected under 35 U.S.C. § 112, 1st paragraph, for allegedly containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention at the time of filing. Applicants respectfully traverse this rejection.

Applicants point out that MPEP § 2163 sets forth guidelines for the examination of patent applications under the "Written Description" requirement of 35 U.S.C. § 112, first paragraph. Specifically, the second paragraph of MPEP § 2163.I.B indicates that the requirement for the specification to support added claim limitations is not an *in haec verba* requirement (i.e., the specification is not required to use the exact language in the claims). Instead, this section of the MPEP indicates that the specification may support added claim limitations through express, implicit, or inherent disclosure.

Furthermore, MPEP § 2163.II.A lists the methodology for the Examiner to follow in order to determine the adequacy of the Written Description. This methodology includes the following steps:

1. For each claim, determine what the claim as a whole covers;

2. Review the entire application to understand how Applicants provide support for the claimed invention including each element and/or step; and
3. Determine whether there is sufficient Written Description to inform a skilled artisan that Applicants were in possession of the claimed invention as a whole at the time the application was filed.

Applicants respectfully submit that the Examiner did not follow this methodology in rejecting the claims. Instead, it appears that the Examiner concluded that particular claim elements, i.e., “synchronizing one audio clip with another audio clip” and “verbally delimited keywords” are not enabled because the exact language is not found in the specification. Applicants respectfully submit that such analysis is not permitted according to the aforementioned methodology required by the MPEP.

Further, Applicants submit that the claimed “synchronizing one audio clip with another audio clip” is clearly described in the specification. For example, page 13, lines 14-20, clearly discloses that audio clips may be stored in a database to dynamically accessing the audio clips based on user-defined queries. The above-identified section further discloses that the storage of the audio information includes properties that permit the audio information to be associated with the visual so that one may be displayed in synchronism with the other. Thus, the specification clearly discloses that the audio clips are displayed in synchronism, i.e., when displaying the “audio clips”, one audio clip is displayed in synchronism with another audio clip.

Applicants further submit that the claimed “verbally delimited keywords” is also clearly described in the specification. For example, page 31, line 17 to page 32, line 2, clearly discloses that delimiters are added to the audio clip or audio annotation when special emphasis is used on a word or words during dictations. Thus, the specification is clear that the step of delimiting keywords is performed verbally (i.e., dictated). Further, originally presented claim 74 included the features “receiving verbally delimited keywords; and converting said verbally delimited keywords into search terms or properties.” It is respectfully submitted that originally presented claims are part of the specification. Accordingly, Applicants submit that the specification clearly describes the term “verbally delimited keywords” as recited in the claims.

Accordingly, Applicants respectfully submit that those of ordinary skill in the art would immediately recognize that the claimed elements "synchronizing one audio clip with another audio clip" and "verbally delimited keywords" are described in the specification so as to convey that the inventor had possession of the claimed invention at the time of filing. Applicants again wish to remind the Examiner that there is no requirement that the specification use the exact language of the claims.

Therefore, for at least these reasons, Applicants respectfully request reconsideration and withdrawal of this rejection.

#### Rejection Under § 103

A. Claims 27-28, 31-35, 39-46, 48, 50-56, 58, 60, 62-63, 66-73, 75, 77 and 81-86 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schilit et al. (U.S. Patent No. 6,279,014)[hereinafter "Schilit"] in view of Mishra et al. (U.S. Patent No. 5,805,118)[hereinafter "Mishra"] in further view of Oliver (U.S. Patent No. 6,226,422)[hereinafter "Oliver"] and in further view of Lucas et al. (U.S. Patent No. 6,012,074)[hereinafter "Lucas"]. Applicants respectfully traverse the rejection.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, it is respectfully submitted that none of the cited prior art references, either alone or in combination, teaches all claim limitations. For example, independent claim 27 recites, *inter alia*,

an audio input for receiving verbally delimited keywords and converting said verbally delimited keywords into search queries;  
wherein the user interface is controlled by a processor which allows dynamically accessing the audio clips based on the search queries. (*Emphasis added.*)

Independent claims 33, 43, 50, 55, 70, 73, 75, 77, 83, and 85 also recite, *inter alia*, the above-identified claim features with some minor variation in wordings.

The Examiner acknowledges that none of Schilit, Mishra, or Oliver, either alone or in combination, teaches or suggests the above-identified claim features. Thus, the Examiner imports Lucas to allege that Lucas teaches an audio input for receiving verbally delimited keywords and converting said verbally delimited keywords into search queries; wherein the user interface is controlled by a processor which allows dynamically accessing the audio clips based on the search queries. It is respectfully submitted that the Examiner's such allegation is totally erroneous.

Lucas merely discloses a conventional document management apparatus which allows a user to define delimiters in order to specify portions of documents or attributes of documents to be retrieved from a document repository. The repository is then searched for the defined delimiters and the portions of the documents or the attributes of documents are retrieved and put into a cache memory. (*See Abstract.*)

Lucas further discloses a "chunk" which is a delimited portion of an object such as an attribute or a document. According to Lucas, chunk is used to efficiently manipulate pieces of data rather than perform operations on entire objects. (See col. 21, lines 35-38.) In Fig. 19, Lucas illustrates a repository 1910 which includes a chunk processing means 1915 and a memory 1916 containing a document 1920 with attributes 1922, 1924, 1926. The repository could, for example, be a computer with a CPU and a hard drive for storage. A chunk 1930 is defined in one of the attributes 1922. The repository 1910 is connected to a network 1935. A computer 1940 having an input means 1945, such as a terminal and a mouse, and a CPU 1950 and a cache 1955 is also connected to the network 1935. Lucas further discloses that when a piece of an attribute is needed, a request is sent to the repository 1910. The chunk processing means 1915 then searches the repository 1910, finds the chunk 1930 which was requested and sends it over the network 1935 to the cache 1955. The cache 1955 stores chunks and also keeps a record of the chunks. That is, the cache maintains a data structure with records of which parts of attributes are

stored in it. If, for instance, an entire attribute is later requested, only those parts which were not already in the cache would be requested from the repository. (See col. 22, line 64 to col. 23, line 14.)

Although Lucas suggests that the input means 1945 (i.e., a mouse) can be voice control display (see col. 3, line 43), nowhere does Lucas teach or suggest that such voice control display is “an audio input” for “receiving verbally delimited keywords and converting said verbally delimited keywords into search queries.” First, Lucas fails to teach that the “chunks” are “verbally delimited keywords”. Second, Lucas fails to teach that these chunks are converted into search queries. Lucas simply teaches that chunks are specified by user-defined delimiters at run-time. (See col. 21, lines 42-43.)

Further, Lucas is distinguished from the claimed invention in that Lucas fails to teach a user interface that is controlled by a processor which allows dynamically accessing the audio clips based on the search queries. (*Emphasis added.*) Lucas simply teaches that the chunk processing means 1915 searches the repository 1910, finds the chunk 1930 which was requested and sends it over the network 1935 to the cache 1955. Accordingly, it is respectfully submitted that Lucas fails to teach or suggest “an audio input for receiving verbally delimited keywords and converting said verbally delimited keywords into search queries . . . dynamically accessing the audio clips based on the search queries” as recited in independent claim 27.

Therefore, for at least these reasons, independent claim 27 is patentably distinct from Schilit, Mishra, Oliver, and Lucas. As mentioned above, independent claims 33, 43, 50, 55, 70, 73, 75, 77, 83, and 85 recite similar claim features as in claim 27. Therefore, these claims are also patentably distinct from Schilit, Mishra, Oliver, and Lucas for the same reasons stated above in regard to claim 27.

Claims 28, 31-32, 34-35, 39-42, 44-46, 48, 51-54, 56, 58, 60, 62-63, 66-72, 81-82, and 84 and 86, which depend from these independent claims are patentably distinct from Schilit, Mishra, Oliver, and Lucas for at least the same reasons as their ultimate base claims and further in view of the novel features recited therein.

B. Claims 1, 4-6, 9-10 and 13-26 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Milne et al. (U.S. Patent No. 5,390,138)[hereinafter "Milne"] in view of Mishra in further view of Oliver and Lucas. Claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Milne in view of Mishra and in further view of Oliver, Lucas, and Hou (US 5,838,313). Claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Milne in view of Mishra and in further view of Oliver and Lucas, in view of Dwyer et al. (U.S. Patent No. 6,571,211)[hereinafter "Dwyer"]. Claim 29 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schilit in view of Mishra and further in view of Oliver and Lucas, and in further view of Headley et al. (U.S. Publication No. 2002/0194260)[hereinafter "Headley"]. Claim 30 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schilit in view of Mishra and in further view of Oliver and Lucas, and in further view of Aihara et al. (U.S. Patent No. 5,644,674)[hereinafter "Aihara"]. Claim 36 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schilit in view of Mishra and in further view of Oliver and Lucas, in view of Fielder et al. (U.S. Patent No. 6,205,419)[hereinafter "Fielder"]. Claim 37 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schilit in view of Mishra and in further view of Oliver and Lucas, in view of Hou et al. (U.S. Patent No. 5,838,313)[hereinafter "Hou"]. Claim 38 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schilit in view of Mishra and in further view of Oliver and Lucas, in view of Dwyer. Claims 47 and 76 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schilit in view of Mishra and in further view of Oliver, Lucas and Milne. Claim 49 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schilit in view of Mishra and in further view of Oliver and Lucas, in view of Pritt (U.S. Patent No. 5,689,717)[hereinafter "Pritt"]. Claims 57 and 61 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schilit in view of Mishra and in further view of Oliver and Lucas, in view of Jain et al. (U.S. Patent No. 6,144,375)[hereinafter "Jain"]. Claim 59 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schilit in view of Mishra and in further view of Oliver and Lucas, in view of Hurtado et al. (U.S. Patent No. 6,418,421)[hereinafter "Hurtado"]. Claims 64 and 65 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schilit in view of Mishra and in further view of Oliver and

Lucas, in view of Martin et al. (U.S. Patent No. 6,272,484)[hereinafter "Martin"]. Claims 79-80 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schilit in view of Mishra and in further view of Oliver and Lucas, in view of Miller et al. (U.S. Patent No. 5,801,685)[hereinafter "Miller"].

Applicants respectfully traverse these rejections for the following reasons. Applicants' independent claim 1 recites, *inter alia*,

wherein said audio input receives *verbally delimited keywords* and converts said *verbally delimited keywords into search queries*, and  
wherein the processor allows *dynamically accessing the audio clips based on the search queries.*" (*Emphasis added.*)

Independent claim 10 also recites, *inter alia*, the above-identified claim features with some minor variation in wordings.

The Examiner relies on Lucas as disclosing the above-identified claim feature. As demonstrated above in great detail, Lucas fails to teach or suggest the above-identified claim feature. Therefore, it is respectfully submitted that independent claims 1 and 10 are distinguishable from the applied prior art references. Claims 4-10 depend from claim 1 and claims 13-26 depend from claim 10. Thus, these claims are at least allowable by virtue of their dependency on corresponding independent claim.

Dependent claims 29-30, 36-38, 47, 49, 57, 61, 64-65, 76, and 79-80, which depend from claims 27, 33, 43, 55, 73, 75, and 77, are patentably distinct over the art of record for at least the same reasons as their ultimate base claims described above and further in view of the novel features recited therein. None of Headley, Aihara, Hou, Dwyer, Milne, Pritt, Jain, Hurtado, Martin, or Miller, overcomes the deficiencies of Lucas as described with reference to independent claims 27, 33, 43, 55, 73, 75

**Conclusion**

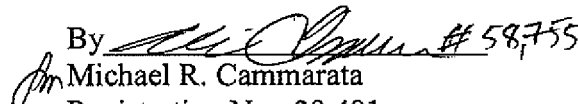
In view of the above remarks, it is believed that all pending claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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